

REMARKS

Applicant respectfully requests reconsideration of the instant application in the view of the foregoing amendments and the following remarks. Claims 1-9, 11-20, and 23-28 are *pending*. Claims 10, 21, and 22 have previously *been cancelled* without prejudice or disclaimer. Claims 1, 12, and 20 are *independent*. Claims 25-28 have been *added*, and claims 12 and 20 have been *amended*; although these claims have been amended herein to provide clarification, correct typographical inaccuracies and/or informalities, and/or to better track practical/commercial implementations/practices, Applicant submits that the originally filed claims are patentable and reserves the right to pursue the originally filed claims (as well as any claims dependent therefrom) at a later time and/or in one or more continuation application(s). Applicant submits that these new claims and/or claim amendments are supported throughout the originally filed specification and that no new matter has been added by way of these amendments.

Additionally, per Applicant's phone conference with Examiner on April 29, 2009, in which the Examiner indicated that claims 1-9, 11, 20 and 23-24, which have not been substantively rejected by the pending Office Action, are in a condition for allowance. As the pending office action only rejected claim 12-19 under 35 U.S.C. § 101, Applicant requests reconsideration and withdrawal of the rejection for the following reasons.

Claim Rejections - 35 U.S.C. § 101

The Office Action rejected claims 12-19 under 35 U.S.C. § 101 as directed to non-statutory subject matter. Applicant respectfully traverses and submits that there is no test for non-statutory subject matter that precludes the claims as originally filed. Applicant submits that the originally filed claims are patentable and reserves the right to pursue the originally filed claims (as well as any claims dependent therefrom) at a later time and/or in one or more continuation application(s). However, Applicant has amended claims 12-19 to provide clarification, correct typographical inaccuracies and/or informalities, and/or to better track practical/commercial implementations/practices. Applicant respectfully submits that amended claims 12-19 overcome the rejection. Accordingly, Applicant requests: withdrawal of this ground of rejection(s), and reconsideration and allowance of the claims.

Conclusion

Consequently, the reference(s) cited by the office action do not result in the claimed invention, there was/is no motivation, basis and/or rationale for such a combination of references (i.e., cited references do not teach, read on, suggest, or result in the claimed invention(s)), and the claimed inventions are not admitted to be prior art. Thus, Applicant respectfully submits that the supporting remarks and claimed inventions, claims 1-9, 11-20, and 23-28, all: overcome all rejections and/or objections as noted in the office action, are patentable over and discriminated from the cited reference(s), and are in a condition for allowance. Furthermore, Applicant believes that the above remarks, which distinguish the claims over the cited reference(s), pertained only to noted claim element portions. These remarks are believed to be sufficient to overcome the prior art. While many other claim elements and/or bases for rejection were not discussed as they have been rendered moot based on the above amendments and/or remarks, Applicant asserts that all such remaining and not discussed claim elements and/or bases for rejection, all, also are distinguished over the prior art and reserves the opportunity to more particularly traverse, remark and distinguish over any such remaining claim elements and/or bases for rejection at a later time should it become necessary. Further, any remarks that were made in response to an Office Action objection and/or rejection as to any one claim element, and which may have been re-asserted as applying to another Office Action objection and/or rejection as to any other claim element(s), any such re-assertion of remarks is not meant to imply that there is commonality about the structure, functionality, means, operation, and/or scope of any of the claim elements, and no such commonality is admitted as a consequence of any such re-assertion of remarks. As such, Applicant does not concede that any claim elements have been anticipated and/or rendered obvious by any of the cited reference(s). Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection(s) and/or objection(s), and allowance of all claims.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 03-1240, Order No. 17209.316. In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 03-1240, Order No. 17209.316.

In the event that a telephone conference would facilitate examination of the application in any way, the Examiner is invited to contact the undersigned at the number provided.

Respectfully submitted,
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